

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7446

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEITH EUGENE JOINES, a/k/a Turbine,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, Chief District Judge. (4:08-cr-00746-TLW-2)

Submitted: January 27, 2014

Decided: February 11, 2014

Before DUNCAN, KEENAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Keith Eugene Joines, Appellant Pro Se. Arthur Bradley Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keith Eugene Joines appeals the district court's text order denying his motion to compel the government to file a motion under Fed. R. Crim. P. 35(b). We have reviewed the record and find no reversible error. Here, the government satisfied its obligations under the plea agreement with Joines by moving for a downward departure at sentencing. The plea agreement does not further obligate the government to file an additional motion for a reduction in sentence under Fed. R. Crim. P. 35. Moreover, there is no evidence in the record suggesting that the government's failure to make such a motion was based on an unconstitutional motive. See Wade v. United States, 504 U.S. 181, 185-86 (1992); United States v. Wallace, 22 F.3d 84, 87 (4th Cir. 1994). Accordingly, we affirm the district court's order. United States v. Joines, No. 4:08-cr-00746-TLW-2 (D.S.C. Aug. 19, 2013). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this Court and argument would not aid the decisional process.

AFFIRMED